

JOSEPH P. RUSSONIELLO (CSBN 44332)  
United States Attorney  
JOANN M. SWANSON (CSBN 88143)  
Chief, Civil Division  
JENNIFER S WANG (CSBN 233155)  
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102-3495  
Telephone: (415) 436-6967  
Facsimile: (415) 436-6748  
jennifer.s.wang@usdoj.gov

Attorneys for Defendant

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

JEFFREY W. TAM,

Plaintiff,

v.

JOHN E. POTTER, Postmaster General,

Defendant.

No. 07-2747 SI

**DECLARATION OF LINDA LEE IN  
SUPPORT OF DEFENDANT'S  
MOTION FOR SUMMARY  
JUDGMENT**

I, Linda Lee, declare as follows:

1. I am over 18 years of age, am a resident of the State of California, and make this declaration in support of defendant's motion for summary judgment. The statements contained in this declaration are within my personal knowledge.

2. I am a Human Resource Specialist in the Personnel Department at the United States Postal Service's ("USPS" or "Postal Service") Processing and Distribution Center in Oakland, California ("Oakland P&DC"). The Personnel Department is part of the Postal Service's Human Resources Department ("Human Resources"). I have been a Human Resource Specialist for over 3 years. In my capacity as Human Resource Specialist, I am responsible for posting vacancies in the Motor Vehicle Craft unit at the Oakland P&DC, am familiar with the

1 different position designations in the Motor Vehicle Craft, and am familiar with the collective  
2 bargaining agreement between the Postal Service and the American Postal Worker's Union,  
3 AFL-CIO (the "Agreement"). The Postal Service's Human Resources Department is  
4 responsible for coordinating all new hiring and for processing all requests for reassignment.

5 3. I have reviewed plaintiff Jeffrey Tam's May 31, 2005 eReassign request. By that  
6 request, Mr. Tam requested reassignment from a bulk mail assistant position to a driving  
7 position as a full-time tractor trailer operator ("TTO").

8 4. In 2005, I processed Mr. Tam request for reassignment. At that time, I understood  
9 that Mr. Tam wanted to return to a driving position. Bulk mail assistants and TTOs are  
10 different positions within the Motor Vehicle Craft. Pursuant to Article 39.1.C.7 of the  
11 Agreement, full-time TTO positions are filled through the bidding process; only full-time  
12 drivers can participate in the bidding process. Under Article 39.1.B.7 of the Agreement, if a  
13 full-time TTO position remains vacant after all bidding has been completed, it is filled by  
14 converting the most senior, qualified part time driver to a full-time TTO. Because Mr. Tam  
15 was not a full-time driver he could not obtain, via a request for reassignment, a full-time TTO  
16 position. However, part-time driving openings are not filled through a bidding process. Thus,  
17 Mr. Tam could be reassigned as a part-time driver. My department is responsible for  
18 coordinating hiring for the Oakland P&DC's Transportation Networks Division. Accordingly,  
19 at the time I processed Mr. Tam's reassignment request, I knew that there were part-time Motor  
20 Vehicle Operator ("MVO") openings. Because Mr. Tam could not obtain, via reassignment, a  
21 full-time TTO position, and because I understood that Mr. Tam wanted to be a driver, I offered  
22 him reassignment as a part-time MVO around September 2005. Mr. Tam was not required to  
23 accept any reassignment offered to him. Mr. Tam was free to decline the reassignment offer  
24 and maintain his position as a bulk mail assistant. Mr. Tam accepted the reassignment to a  
25 part-time MVO.  
26  
27  
28

1 I declare under penalty of perjury under the laws of the United States of America that  
2 the foregoing is true and correct.

3 Executed on July 10, 2008 at Oakland, California.

4 

5 Linda Lee